

BOARD OF ZONING MEETING MINUTES  
MARCH 10TH, 2020  
6:00 P.M.

President Ben Wicker calls the meeting to order at 6:05 P.M.

**ROLL CALL:** Dohn Green, Sandra Jackson, Vice President, Craig Trent, Phil Shanahan, Ben Wicker, President. Also present was Geoff Wesling, Attorney, Gregg Duke, Director, and Linda Ashwill, Secretary.

**APPROVAL OF MINUTES FOR FEBRUARY 11TH, 2020 Meeting:** After making one correction minutes were approved as written. Motion was made by Phil and seconded by Craig. All in favor. Minutes approved.

Before starting with the New Business Ben gave a quick explanation for the process and procedure of the meeting this evening to be conducted. Ben stated he would call each item of new business and ask the representative of each application to come up to the podium. Gregg will read through the Findings of Fact. Once he has read this Ben will ask the applicant or representative have the opportunity to share anything else about the application that they would like to share with the Board. The Board at that time will ask any questions they may have for the applicant or representative. Once the Board has asked their questions Ben will open up the public hearing. Anyone is able to make comment tonight. We asked that all public comments be limited to two minutes and be related to the details or request of the application. The public comments need be directed to the Board and not to the applicant or anyone in the audience. If there are questions that arise or questions that public comments that are added the Board can chose to address those if they wish to do so. Once we have taken all public comments we will close the public hearing and that will enable the Board to ask any further questions they may have of the applicant in considering the application. They can make their motion or reaction at that time. Ben starts with New Business at this time.

**NEW BUSINESS:**

1. **BZA-2019-36 Danna Hough** is requesting development standard variances to 7.7.3 (a & b) to allow a three lot subdivision at 7865 West 800 North Carthage, IN. Parcel # 70-01-25-100-001.000-008. Rob Brown, Re/Max Realty agent was present as the representative for the applicant. Gregg gave the **Findings of Fact** as follows: Mrs. Hough is requesting a variance from development standards listed in 7.7.3 (a & b) to allow a three lot subdivision of 24.076 acres (tract B), 21.725 acres (tract C) and 21.698 acres (tract D) from a parent tract of 74.749 acres in an A-1 district. The remainder of the parent tract will be 7.250 acres (tract A). Mrs. Hough is separating house from farm ground. These size lots are nonconforming and will require a variance to development standard 7.7.3(a). The standard requires a maximum lot size of 2 acres in an A-1 district. The 21.698 acre (tract D) only has a 78 foot lot frontage and will require a variance to 7.7.3(b). The standard requires 200 feet of lot frontage. This setback is to be 100 feet from the ROW. Planning staff finds no reason to believe the variances would be injurious to public health, safety, morals, or welfare of the community. Further, the land division should not be damaging to surrounding property values. Notice of this public hearing was locally advertised ten days prior and adjacent property owners were notified. **Recommendation:** Staff recommendation

would be to approve the variances to development standards 7.7.3 (a & b) to allow the creation of a 24.076, 21.725, 21.698, and a 7.250 acre subdivision and a front lot width on tract D of 78 feet at 7865 West 800 North in Carthage, IN.

Ben asked Rob the representative if he had anything to add for the record. Rob Brown introduced himself as the Re/Max agent for Mrs. Hough and stated there were a couple of neighbors that had thought there was a housing addition going through. He stated this was not true. Mrs. Hough is an elderly lady and has had this property two years or more. She has rented the house out and has only had two months' rent from it in this two years. She just wants to do away with the headache of the buildings. Ben asked if there were any questions from the Board. There was none. Ben opens the public hearing and asks for public comments. JoAnne Schwartzkope neighbor spoke stating this is in the country and she objected in using good farm ground for this purpose. Ben asked specifically what she was referring to. JoAnn stated to put up condos or what was she going to do. Ben stated there was no request for housing at this time. Ben stated the parcels are being subdivided but presently there is no request for building at the present time. JoAnne stated but it could be? Ben told her that would be another step that would have to happen. Mrs. Schwartzkope stated she was still opposed to this. Ben asked for another other public comments this evening. There was no further public comment. Ben closes the public hearing. Ben asked if there was any discussion from the Board. Hearing none, Dohn makes the motion for approval for these variances from development standard variances to 7.7.3 (a & b). This was seconded by Craig. All were in favor. Motion was carried.

**2. BZA-2020-1 Gerald Solomon** and agent Andy Scholle are requesting development standard variances to 7.10.1 (a & d1) to allow a subdivision at 8100 West 550 South, Manilla, IN. Parcel # 70-09-35-200-005.000-005. Ben asked Gregg to give the **Findings of Fact**. Mr. Solomon is requesting a variance from development standards listed in 7.10.2 (a & d1) to allow a 6.732 acre subdivision in an A-3 district. The remainder of the parent tract will be 33.268 acres. Mr. Solomon is separating house from farm ground. The lot size of 6.732 acres is nonconforming and will require a variance to development standard 7.10.2(a). The standard requires a minimum lot size of 40 acres in an A-3 district. The remaining 33.268 acre parent parcel also falls below the minimum and will require a variance to 7.10.1(a). The dwelling on the 6.732 acre tract is only 37 feet from the County Right of Way and will require a variance to 7.10.2 (d1). The standard requires the dwelling to be 100 feet from the County Right of Way. Planning staff finds no reason to believe the variances would be injurious to public health, safety, orals, or welfare of the community. Further, the land division should not be damaging to surrounding property values. Notice of this public hearing was locally advertised ten days prior and adjacent property owners were notified. **Recommendation:** Staff recommendation would be to approve the variances to development standards 7.10.2 (a & D1) to allow the creation of a 6.732 acre and a 33.268 acre subdivision and a development standard variance to 7.10.1(d1) to allow a 37 foot dwelling setback at 8100 West 550 South in Manilla, IN. Ben asked Andy Scholle representative if he had any further to add. As the area map shows, Andy stated Mr. Solomon is just dividing off the house and wooded area from the rest of the tillable farm ground. Marvin asked questions from the Board. There were none. Ben opened the public hearing for public comments. There were no public comments. Ben asked if the Board has any further questions. Hearing none Craig makes the motion to approve these variances. Seconded by Sandra. All in favor. Motion carried.

**3. BZA-2020-4 Dennis and Sandra Muncy** are requesting a permanent Special exception to have a business at 502 East Second Street, Carthage, IN in Ripley Township. Parcel # 70-70-02-19-226-006.000-009. Ben asked Gregg to give the **Findings of Fact:** The Muncy's are requesting a permanent Special Exception to have a Beauty and Barber business in a Residential District. This is an existing property currently owned by Larry Spence. Residential zoning only allows Beauty and Barber Services with a Special Exception. Planning staff finds the following:

1. Ingress/egress is on a dead end street in Carthage. Emergency vehicle access could be hindered especially fire truck turn around, but this limitation already exists.
2. The site will have three (3) parking places. Although limited this should be a low impact business and not require many more places. No other barbers are planning for this site. The Residential district does not have parking requirements for businesses.
3. Refuse and service areas should not be negatively affected. No notable odors, additional refuse, or noise would be expected.
4. Utilities are currently connected.
5. Nothing about this lot or the proposed usage should pose a problem in a residential district. This type business should require light traffic and vehicles would be provided ample space to back into the street. Any overflow parking could potentially be on street
6. No signs are planned at this time. Trespass lighting is discourage.
7. This use is compatible with Residential zoning. Beauty and Barber Services can be located in the vicinity of populations for convenience and help lessen fuel consumption during transportation. Since the building is preexisting, the structure is assumed to be compatible with surrounding buildings also.

Notice of this public hearing was locally advertised ten days prior and adjacent property owners were notified. **Recommendation:** Planning Staff recommends granting the Special Exception for Beauty and Barber Services at 502 East Second Street in Carthage.

Ben asks Sandra Muncy if she had anything to add to the record. Sandra stated they had just closed on this property recently. So they are the current owners now. The property was transferred today. Ben asked if this was just going to have a one chair. Sandra stated yes. She has had a single chair for a while now. She has been a barber and beautician in her house in Knightstown for the last twenty-two years (22). She stated they are just downsizing. Ben asked questions from the Board. There were none. Ben opens up the public hearing or public comments. There were none. Ben asked if there was any further discussion from the Board. Seeing none he asked for a motion. Dohn makes the motion to approve this Special Exception. Seconded by Phil. All in favor. Motion carried.

**4. BZA-2020-7 Betsy Nigh** is requesting a Special Exception to construct a dwelling and request a side-yard setback variance at 4758 West 250 South in Rushville, IN. Parcel # 70-10-16-100-002.000-014. Betsy Nigh was present as representative. Ben asked Gregg to give the **Findings of Fact:** Mrs. Nigh is requesting Special Exceptions to allow the construction of a dwelling in an A-3 Regulated Livestock district on less than forty (40) acres. Mrs. Nigh is also requesting a variance to allow the dwelling to be less than 40 feet from the East side property line. A-3 zoning only allows a dwelling by Special Exception or score of 27 or higher on the Regulated Livestock Housing Scoring System. Mrs. Nigh scored 21 on the Regulated Livestock Housing Scoring System and have signed Appendix "D" Notice of Agricultural Activity. Planning staff finds the following for a Special Exception:

1. Ingress/egress should not be a problem since only residential traffic should be generated on rural road.
2. This Special Exception should have little effect on the surrounding properties (mainly agricultural and rural residential.)
3. Refuse and service areas will not be affected.
4. Utilities will not be impacted and no unexpected wastewater or air pollution should be generated. Although most of the tract has marginal soil for a building or septic system, many advances might allow an approved septic system.
5. No screening or buffering expected. Nearest house is over 1000 feet away.
6. No signs or extra lighting other than usual residential use is expected or requested at this time.
7. The parcel size is 2.6 acres. Mrs. Nigh is asking for a variance to the side yard setback.
8. Housing in the area is sparse. This proposed housing seems compatible to the area. This is an existing dwelling that will be razed when construction of the new dwelling is complete.

With the Special Exception, Mrs. Nigh is also requesting a variance TO 7.10.2 (d2) to allow a side-yard setback of twelve (12) feet. The standard requires a minimum of forty (40) feet. No unnecessary hardship was presented. Notice of this public hearing was locally advertised ten (10) days prior and adjacent property owners were notified. This Special Exception is not expected to be detrimental to the public interest. **Recommendation:** Staff recommendation would be to approve the Special Exception to allow a dwelling in this A-3 Regulated Livestock district and the variance to 7.10.2 (d2) to allow a twelve (12) foot side-yard setback at 4758 West 250 South in Rush County.

Ben asked the representative, Betsy Nigh, if she had anything further for the record. Betsy stated the reason they want to build is that her father lives here and he is wheelchair bound in the house. The present house does not allow him to move freely. They want to build this new dwelling handicap accessible then tear down the old residence. Gregg asked Betsy if she wanted to mention the surrounding area. Betsy stated the surround area was owned by her Uncle, Ron Abrams and was farm ground. Ben asked questions from the Board. Betsy did ask Gregg about the acreage. It was stated as 2.6 acres Gregg stated this was just a transposed error on his part in the typing. Acreage is actually 6.2 acres. Betsy stated she knew it was bigger than the 2.6. Ben said or the buildings were midget. Gregg stated if the Board wants he can go up and verified. Craig said he thought they were good. Betsy said she listened to everything he just said. Being no further questions from the Board, Ben opens up public hearing. Linda asked how long after the new house is build does she have to graze the old one. Betsy stated once they moved all the belongings that she wants to the new house, they are going to have an auction at the old house. Then they can graze it. She stated to her the sooner the better. Craig asked if she thought it would be a year. Betsy said she didn't see that as being a problem. Craig stated once the ILP was issued she only had two years to build. Betsy said it would come down quickly once after the auction. Dohn asked if 110 or 180 days would be a burden. Betsy said 180 or 6 months should be efficient. Six or eight months might be a better time to get everything moved over. Craig said they would give her a year. Ben asked for any further public comments. Hearing none he closes the public hearing. Ben asked is there is any further discussion from the Board. Hearing none, Craig makes the motion to approve this Special Exception with the side yard setback variance of twelve (12) feet with the stipulations of the new house being built within one year and to allow one year for the demolition of the

old dwelling after the new dwelling has been build. This was seconded by Dohn. All were in favor.  
Motion carried.

**Old Business:**

**Reports:**

**Attorney:** Geoff had nothing.

**Director:** Gregg stated he had nothing.

**Adjournment:** Phil makes the motion to adjourn. Seconded by Sandra. All I favor. Meeting adjourned at 6:30 P.M.

Ben Wicker  
President

Gregg Duke  
Executive Director